

Message Text

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43

ACTION DLOS-03

INFO OCT-01 SS-14 ISO-00 OES-02 OFA-01 INR-05 IO-03 OIC-01

NEA-06 EUR-08 AF-04 ARA-08 EA-06 L-01 /063 W

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R 251333Z MAR 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 1639

INFO AMEMBASSY CAIRO

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY TEL AVIV

USMISSION USUN NEWYORK

C O N F I D E N T I A L GENEVA 2075

LIMDIS STADIS////////////////////////////////////

FROM USDEL LOS

E.O. 11652: XGDS-3

TAGS: PLOS

SUBJECT: LOS: DISPUTE SETTLEMENT AND SECURITY COUNCIL

1. U.S. OBJECTIVES FOR LOS CONVENTION INCLUDE ACHIEVEMENT OF AGREEMENT ON BINDING COMPULSORY DISPUTE SETTLEMENT WITH RESPECT TO LOS TREATY, SUBJECT TO CERTAIN EXCEPTIONS. IT HAS BECOME APPARENT IN COURSE OF WORK OF INFORMAL GROUP ON DISPUTE SETTLEMENT THAT SUCCESS WILL DEPEND IN PART ON ABILITY TO KEEP CERTAIN SENSITIVE MATTERS OUTSIDE COMPULSORY SETTLEMENT PROCEDURES IN TREATY. WITH THIS IN MIND USREP ON GROUP (OXMAN) INFORMALLY AND SEPARATELY DISCUSSED MARCH 23 IDEA OF CLAUSE EXCLUDING FROM COMPULSORY PROCEDURES DISPUTES BEING HANDLED BY UN SECURITY COUNCIL, WITH REPRESENTATIVES IN GROUP FROM ADDRESSEE EMBASSIES' HOST GOVERNMENTS, AND RECEIVED POSITIVE PRELIMINARY REACTIONS. AMB. ROSENNE OF ISRAEL THOUGHT EXCLUSION WAS "PROBABLY NECESSARY". MR. ELARABY OF EGYPT THOUGHT IT A "GOOD IDEA".

2. EXCLUSION TEXT UNDER CONSIDERATION BY FIVE DELEGATIONS WOULD
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BE INCLUDED IN A LIST OF EXCEPTIONS TO COMPULSORY SETTLEMENT PRO-

CEDURES IN TREATY, AND READS AS FOLLOWS: QTE (...) DISPUTES OR
SITUATIONS IN RESPECT OF WHICH THE SECURITY COUNCIL OF THE UNITED
NATIONS IS EXERCISING THE FUNCTIONS ASSIGNED TO IT BY THE CHARTER
OF THE UNITED NATIONS, UNLESS THE SECURITY COUNCIL HAS DETERMINED
THAT SPECIFIED PROCEEDINGS UNDER THIS CONVENTION WOULD NOT INTER-
FERE WITH THE EXERCISE OF SUCH FUNCTIONS IN THAT CASE; UNQTE.
DALE

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COLLECTIVE BARGAINING, LAW OF THE SEA CONFERENCE, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 MAR 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA02075
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X3
Errors: N/A
Film Number: D750104-0191
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750319/aaaaaqsi.tel
Line Count: 68
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 16 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 JUN 2003 by izenbei0>; APPROVED <17 JUN 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: DISPUTE SETTLEMENT AND SECURITY COUNCIL
TAGS: PLOS, OCON, UN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006